

28235. Adulteration of flour. U. S. v. 175 Bags of Flour. Decree of condemnation. Product released under bond for sale for purposes other than human consumption. (F. & D. No. 40707. Sample No. 65412-C.)

This product was infested with weevils.

On November 10, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 175 bags of flour at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 25, 1937, from St. Paul, Minn., by the Capital Flour Mills Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Durum White Flour Capital Flour Mills, Inc., St. Paul Minn."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 29, 1937, Hubert J. Horan, by Gartland Horan, agent, having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be sold for purposes other than human consumption.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28236. Adulteration of flour. U. S. v. 171 Bags of Flour. Decree of condemnation. Product released under bond for use as animal feed. (F. & D. No. 40485. Sample No. 43838-C.)

This product was infested with weevils.

On October 15, 1937, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 171 bags of flour at Charleston, S. C., alleging that the article had been shipped in interstate commerce on or about May 3, 1937, from Tacoma, Wash., by Sperry Flour Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Eye Six Cut-Off Southern Gold Medal Flour Company."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 4, 1937, General Mills, Inc., Charleston, S. C., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be used as animal feed or for some purpose other than human consumption.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28237. Adulteration of butter. U. S. v. 92 Tubs of Butter. Consent decree of condemnation. Product released under bond for reworking. (F. & D. No. 40553. Sample No. 56989-C.)

This product contained less than 80 percent of milk fat.

On October 11, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 92 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 27, 1937, from Dulport, Minn., by Mandan Creamery & Produce Co., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as provided by the act of March 4, 1923.

On October 27, 1937, Mandan Creamery & Produce Co., Mandan, N. Dak., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28238. Adulteration of butter. U. S. v. 100 Tubs of Butter. Consent decree of condemnation. Product released under bond for reworking. (F. & D. No. 40554. Sample No. 60432-C.)

This product contained less than 80 percent of milk fat.

On October 4, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 tubs of butter

at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 23, 1937, from Vinita, Okla., by the Archer Produce Co., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On October 28, 1937, the Peter Fox Sons Co., claimant, having admitted the allegations of the libel, and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to the legal standard.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28239. Adulteration and misbranding of butter. U. S. v. 507 Cases of Butter. Decree of condemnation. Product released under bond for reworking. (F. & D. No. 40682. Sample No. 62831-C.)

This product contained less than 80 percent of milk fat.

On October 28, 1937, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 507 cases of butter at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about September 2, 1937, from Bruce, Miss., by the Yorkshire Creamery Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Morrell's Yorkshire Farm Brand Creamery Butter. * * * Distributed By John Morrell & Co."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

Misbranding was alleged in that the article was labeled "Butter," which was false and misleading as it contained less than 80 percent of milk fat.

On November 13, 1937, John Morrell & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to the legal standard.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28240. Adulteration of butter. U. S. v. 9 Tubs of Butter. Consent decree of condemnation. Product released under bond for reworking. (F. & D. No. 40623. Sample Nos. 56988-C, 56990-C.)

This product contained less than 80 percent of milk fat.

On October 11, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 4, 1937, from Marshall, Va., by the Fauquier Creamery, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On October 15, 1937, the Fauquier Creamery, Marshall, Va., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28241. Adulteration of butter. U. S. v. 285 Tubs of Butter. Consent decree of condemnation. Product released under bond for reworking. (F. & D. No. 40548. Sample No. 46745-C.)

This product contained less than 80 percent of milk fat.

On October 7, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 285 tubs of butter at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about September 20, 1937, from Chicago, Ill., by Kirschbaum & Co., and charging adulteration in violation of the Food and Drugs Act.